

2000 No. 3171

ECCLESIASTICAL LAW, ENGLAND

The Parsonages Measure Rules 2000

Made (Approved by the General Synod) 16th November 2000

Laid before Parliament - - - - - 1st December 2000

Coming into force in accordance with Rule 14

In pursuance of section 15 of the Parsonages Measure 1938(a) as amended by the Patronage (Benefices) Measure 1986(b) and the Church of England (Miscellaneous Provisions) Measure 2000(c), the Church Commissioners make the following Rules:—

Registered patron subject to incapacity

1. Where a registered patron is subject to the management and administration of a guardian, trustee, committee or receiver, any notice given under the Measure to the registered patron shall be given to such guardian, trustee, committee or receiver, who shall, for the purposes of the Measure and of these Rules, be deemed to be the registered patron in place of the registered patron subject to the incapacity.

Office as registered patron

2. Where an office is a registered patron, the person who is for the time being the holder of that office shall be the registered patron for the purposes of the Measure and of these Rules.

Deceased registered patron

3. If a registered patron has died and the person to whom the right of patronage is to be transferred is not yet registered as patron of the benefice, any notice given under the Measure shall be given to the personal representatives of the deceased registered patron, who shall, for the purposes of the Measure and of these Rules, be deemed to be the registered patron in place of the deceased registered patron.

Registered patron's donee by power of attorney

4. If a registered patron has, by instrument creating a power of attorney, conferred on the donee of the power authority to discharge on the registered patron's behalf all the functions of a patron of the benefice concerned, such donee shall, for the purposes of the Measure and of these Rules, be deemed to be the registered patron in place of the registered patron.

Determination of registered patron in case of dispute

5. The diocesan registrar of the diocese in which the benefice concerned is situated shall determine any dispute as to who is deemed under the foregoing Rules to be the registered patron for the purposes of the Measure and of these Rules, and such determination shall be final and conclusive.

(a) 1 and 2 Geo 6 No. 3.
(b) 1986 No. 3.
(c) 2000 No. 1.

Where the registered patron cannot be found or where it is impracticable to serve notice on the registered patron personally

6. In any case where the diocesan registrar of the diocese in which the benefice is situated is satisfied that a registered patron cannot be found:
- (a) the diocesan registrar may (if the missing registered patron is one of joint registered patrons) direct that the other registered patrons of the benefice shall represent the missing registered patron for the purposes of the Measure and of these Rules; or
 - (b) the diocesan registrar shall (in any other case) direct that the Diocesan Board of Patronage for the diocese concerned shall represent the missing registered patron for the purposes of the Measure and of these Rules.

Notices

7. (a) A notice given by an incumbent or bishop under section 3(1) of the Measure shall be in Form 1 set out in the Schedule to these Rules.
- (b) A notice given by the Board under section 7 of the Measure shall be in Form 2 set out in the Schedule to these Rules.
- (c) A notice or other document required or authorised by the Measure to be served on, sent or given to a person may be served, sent or given by delivering it to such person, or by leaving it at such person's proper address, or by post.
- (d) The proper address of the person on or to whom any such notice or other document is required or authorised to be sent, served or given shall be that person's last known address, except that:
- (i) in the case of the secretary or clerk of a corporation it shall be the registered or principal office of the corporation;
 - (ii) in the case of the secretary or clerk of an unincorporated body or partner of a firm, it shall be that of the principal office of the body or firm; and
 - (iii) in the case of a Parochial Church Council it shall be the address of the secretary or acting secretary or, in the absence of such person, the address of such other member as may be deemed appropriate by the Board.
- (e) If any question arises as to the person on or to whom, or the manner in which any notice or other document is to be served, sent or given under the Measure or under these Rules, the diocesan registrar may decide the question and his or her decision shall, for the purposes of the Measure or of these Rules be final and conclusive.

Prescribed time for objections to proposals

8. For the purpose of section 3(1) of the Measure "the prescribed time" shall be a period of 21 days commencing on the next working day after the date on which the notice in question has been given under section 3(1) of the Measure.

Passing to Commissioners of any objections

9. Where objections are received by the Board in response to a notice given under section 3(1) of the Measure, the Board shall within five working days of receipt send such objections to the Commissioners for consideration.

Shortened procedure

10. If the Board is satisfied that approval under the Measure to a particular transaction is required urgently, the issue of any notice required by the Measure or the consideration of objections or other proceedings consequent on such notice may be dispensed with, with the prior written consent of the registered patron and of the Parochial Church Council.

Deposit of copy assurances

11. A certified copy of any assurance of land (including buildings) purchased or acquired by way of exchange under the Measure shall be sent to the diocesan registrar of the diocese in which the benefice concerned is situated, who shall deposit it in the diocesan registry.

Recommended practice

12. The Board shall have regard to advice given to it by the Commissioners at any time in connection with procedures under the Measure.

Interpretation

13. In these Rules:

“the Board” means the Board appointed or designated under section 1 of the Repair of Benefice Buildings Measure 1972(a) for the purposes of that Measure;

“the Commissioners” means the Church Commissioners for England;

“the Measure” means the Parsonages Measure 1938, as amended;

“Parochial Church Council” means the Parochial Church Council of any parish within a benefice affected by a proposal under the Measure;

“registered patron” has the meaning given to it by section 39(1) of the Patronage (Benefices) Measure 1986; and

the headings are for ease of reference only and are not part of the Rules themselves.

Citation, commencement and revocation

14. (a) These Rules may be cited as the Parsonages Measure Rules 2000 and shall come into force on the first day of January 2001.

(b) The Parsonages Measure Rules 1938 are hereby revoked.

Approved by the General Synod on the
16th day of November 2000

D. M. Williams
Clerk to the Synod

(a) 1972 No. 2.

THE SCHEDULE

Rule 7(a)

Form 1

Section 3(1) of the Parsonages Measure 1938, as amended

Notice to a registered patron and Parochial Church Council and (where there is no Parochial Church Council) churchwardens

BENEFICE:

DIOCESE:

Either:

I, as the Incumbent of this Benefice, hereby give notice under section 3(1) of the Parsonages Measure 1938, as amended, of my intention to [sell] [pull down] [exchange] [build] [purchase] [improve] the following property:

Or:

I, as the Bishop of the Diocese, acting in a vacancy of this Benefice, hereby give notice under section 3(1) of the Parsonages Measure 1938, as amended, of my intention to [sell] [pull down] [exchange] [build] [purchase] [divide] [enlarge] [improve] the following property:

Written notice of any objection to the proposal should be sent to the Secretary to the Diocesan Parsonages Board at [*insert address*]

before [*insert date, allowing at least 21 days commencing the working day after the date of this notice*]

Name (please print)

Capacity

Signature

Date

This notice is being sent to: *[insert names and other details as required]*

1. All registered patrons of the Benefice:

- (i)
- (ii)
- (iii)

2. The Secretaries to all the Parochial Church Councils of parishes within the area of the Benefice.

- (i) Name of PCC Secretary
- Parish
- (ii) Name of PCC Secretary
- Parish
- (iii) Name of PCC Secretary
- Parish

And where there is no Parochial Church Council in any one or more of the parishes within the area of the Benefice, the churchwardens of any such parish without a Parochial Church Council:

Name of churchwarden

Parish

(i) Name of churchwarden

 Parish

(ii) Name of churchwarden

 Parish

(iii) Name of PCC Secretary

 Parish

Section 7 of the Parsonages Measure 1938, as amended

Notice to a registered patron and Parochial Church Council and (where there is no Parochial Church Council) churchwardens and to the Church Commissioners

BENEFICE:

DIOCESE:

The Diocesan Parsonages Board, with the consent of the Bishop of the Diocese, hereby gives notice under section 7 of the Parsonages Measure 1938, as amended, that the Church Commissioners will apply and dispose of the moneys arising from the sale or exchange of *[address or other description of property disposed of]*

by the application of the sum of £ for or towards the [erection] [purchase] [improvement] [division] [reduction in size] [enlargement] of *[address or other description of property in question]*

and/or by the disposition of [the sum of £] [the balance, if any, of the moneys so arising] to the [Capital Account of the Diocesan Stipends Fund] [Diocesan Pastoral Account] [apportioned between the Capital Account of the Diocesan Stipends Fund and the Diocesan Pastoral Account as follows:]

[insert details of any apportionment between the two accounts]

Written notice of any objection to the proposals should be sent to the Secretary of the Diocesan Parsonages Board at *[insert address]*

before *[insert date, allowing at least 21 days commencing the working day after the date of this notice]*

Name (please print)

Capacity

Signature

Date

This notice is being sent to: *[insert names and other details as required]*

All registered patrons of the Benefice:

(i)

(ii)

(iii)

The Secretaries to all the Parochial Church Councils of parishes within the area of the Benefice

(iv) Name of PCC Secretary

Parish

(v) Name of PCC Secretary

Parish

(vi) Name of PCC Secretary

Parish

And where there is no Parochial Church Council in any one or more of the parishes within the area of the Benefice, the churchwardens of any such parish without a Parochial Church Council:

(iv) Name of churchwarden

Parish

(v) Name of churchwarden

Parish

(vi) Name of churchwarden

Parish

And to The Secretary, Church Commissioners for England

EXPLANATORY NOTE

(This note is not part of the Rules)

The Rules are made under the Parsonages Measure 1938 (“the Measure”) and are required to take account of the changes made by the Church of England (Miscellaneous Provisions) Measure 2000. The Rules make provision where the registered patron is incapacitated or under disability and, where objections to proposals are received, requires the relevant Board to pass the objections to the Church Commissioners for consideration. There is also a provision for a shortened procedure and a requirement that the Board shall have regard to the Commissioners’ advice in connection with the procedures under the Measure.

£2.00

© Crown copyright 2000

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.
E2190 12/2000 567567 19585

ISBN 0-11-018876-4



9 780110 188768